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PTO/SB/30 (10-01)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>  Address to: Assistant Commissioner for Patents Box RCE Washington, D.C. 20231	Application Number	09/692,634
	Filing Date	October 19, 2000
	First Named Inventor	Paul J. Rennie
	Group Art Unit	1617
	Examiner Name	S. Sharareh
	Attorney Docket Number	8308
	Confirmation Number	8314

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of \_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b. ☐ Other \_\_\_\_\_

3. Fees The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 16-2480.

- i. ☒ RCE fee required under 37 C.F.R. §1.17(e)
- ii. ☒ Extension of time fee (37 C.F.R. §§1.136 and 1.17)
- iii. ☐ Suspension of action fee under 37 C.F.R. 1.17(i)
- iv. ☐ Other \_\_\_\_\_

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

NAME (Print/Type)	Joan B. Cunningham	Reg. No. (Attorney/Agent) 43,962
SIGNATURE	<i>Joan B. Cunningham</i>	DATE April 9, 2003

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office on the date shown below:		
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(Revised for P&G use 4/22/02)

Case 8308

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :  
Paul J. Rennie et al. :  
Request for Continuation Examination Application :  
Serial No.: 09/692,634 :  
Confirmation No.: 8314 : Group Art Unit: 1617  
Filed: October 19, 2000 : Examiner: S. Sharareh  
Title: Compositions for Prevention and Treatment of :  
Cold and Influenza-Like Symptoms and Their :  
Methods of Use :

#14/C  
HKO  
4-15-03AMENDMENT UNDER 37 CFR 1.114

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the December 17, 2002 Office Action, please amend the above-identified continuation examination application as follows and consider the accompanying remarks.

In The Claims:Please amend Claims 1, 8-9, and 28-30 to recite the following:

C1  
Claim 1. (2nd Amendment) A nasal composition for treatment of cold and influenza viruses comprising pyroglutamic acid and an organic acid having a dissociation constant (pKa) value from about 3.0 to about 5.0 wherein the combination of said pyroglutamic and organic acids provides a surface pH of the nasal cavity tissue from about 3.5 to about 5.5.

C2  
Claim 8. (Amended) A method for treating cold and influenza viruses wherein the method comprises the step of spraying into the nasal turbinates the composition according to claim 1.

Claim 9. (Amended) A method for treating cold and influenza viruses wherein the method comprises the step of spraying into the nasal turbinates the composition according to claim 5.

C3  
Claim 28. (Amended) A method for treating cold and influenza viruses wherein the method comprises the step of spraying into the nasal turbinates the composition according to claim 20.

Claim 29. (Amended) A method for treating cold and influenza viruses wherein the method comprises the step of spraying into the nasal turbinates the composition according to claim 23.

Claim 30. (Amended) A method for treating cold and influenza viruses wherein the method comprises the step of spraying into the nasal turbinates the composition according to claim 26.